

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

2019-20 December 26, 19  
Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_\_

FENCE ORDINANCE APPLICABILITY OF RESIDENTIAL FENCE REQUIREMENTS

This section shall apply to all new fences and enlargement of existing fences.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Sabina with two-thirds of all members concurring that:

DEFINITIONS

For the purpose of this Ordinance, certain terms are herewith defined as follows.

- 1. **FENCE** – any partition, structure, or gate erected as a dividing marker, barrier or enclosure, including hedges or living bushes or shrubs, within or along the bounds or a lot or parcel.
- 2. **HEIGHT** – the distance from the grade (ground) to the top of the highest point of the fence at any given point along the fence.
- 3. **ADJACENT GRADE** – the average grade measured at a point three feet on each side of the fence.

SECTION 1. FISCAL OFFICE MUST BE NOTIFIED OF THE ADDRESS AND LOCATION OF THE PROPOSED RESIDENTIAL FENCE.

SECTION 2. REGULATIONS OF FENCES AND PERMITTED INSTALLATION

- 1. For all fences the installing or requesting party shall construct the fence with the “post side” or “bad side” facing the installing party’s property. This provision shall apply to both side yard and rear yard fences.
- i. Fences shall not contain barbed wire, razor wire, spikes, nails, or other sharp pointed instruments affixed, placed upon or allowed to exist in any manner attached to a fence or part of a fence. Underground electrification or radio fencing for the confinement of animals shall be exempt from this prohibition. Reference: O.R.C. Chapter 971.
- ii. No person shall install, construct, or maintain any fence on easements, right-of- ways or any properties not owned, leased, or rented by that person.
- iii. Materials shall consist of cyclone-type metal links and posts, wood composites, or equivalent materials, or natural vegetation
- iv. Fences on all lots of record, in all residential areas which enclose property and/or within a required side and rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground and shall not extend toward the front of the lot nearer than the front of the house or the minimum required front yard setback, whichever is greater.

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- v. f. Fences shall be constructed to allow ample space for maintenance, without having the applicant trespass on the neighboring property to maintain their fence.
- vi. Fences up to four (4) feet in height may be erected from the front edge of the dwelling to within fifteen (15) feet of the right-of-way unless the fence is of chain link, split rail, or other see-through material which can then be erected from the front edge of the dwelling to and along the road right-of-way. At an intersection, the fence must be erected twenty five (25) feet of corner right-of-way.
- vii. h. All fences shall be maintained in good condition. Including by not limited to paint, stain, and repair of damaged portions, rusted metal, holes, loose components, and sagging fence portions.

SECTION 3. SPECIAL USE FENCES

1. Swimming pools - All swimming pools with a water depth of two feet or greater at any point shall be enclosed with a six foot high fence, not closer than four feet from the pool's edge on any side. Gates in the fence shall have a self- latching catch or lock located not closer to the grade than four feet and otherwise made inaccessible from the outside to small children.

SECTION 4. EXEMPTIONS

1. Temporary fences made of woven wire material placed around flower and / or vegetable gardens do not exceed four (4) feet in height will not require a Fence Permit.

This Ordinance shall take effect at the earliest time allowed by law.

This ordinance was read on three separate occasions at regularly scheduled Council meetings on:

1st reading: 11/26/2019

2nd Reading: 12/12/2019

3rd Reading: 12/26/2019

Passed this 26<sup>th</sup> day of December, 2019

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ATTEST:

  
Nancy L. Cornell, Fiscal Officer

APPROVED BY:

  
Michael Walls, Council President

  
Dean Hawk, Mayor